

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

-----X  
IN THE MATTER OF THE SEIZURE OF ALL :  
FUNDS ON DEPOSIT AT UNION BANK, N.A. IN :  
SAN DIEGO, CALIFORNIA IN ACCOUNTS :  
3530000248 AND 3530000256, AND ALL FUNDS :  
ON DEPOSIT AT WELLS FARGO BANK IN :  
ESCONDIDO, CALIFORNIA IN ACCOUNT :  
NUMBER 7986104185, HELD IN THE NAME OF :  
ACCOUNT SERVICES CORPORATION, AND ALL :  
PROPERTY TRACEABLE THERETO. :  
-----X

09 CV. 1495 JM (RBB)

**REDACTED COPY**

**ORIGINAL FILED UNDER  
SEAL**

-----X  
ACCOUNT SERVICES CORPORATION, :  
: :  
Movant, :  
: :  
-v.- :  
: :  
UNITED STATES OF AMERICA, :  
: :  
Respondent. :  
-----X

**DECLARATION OF ASSISTANT UNITED STATES ATTORNEY JEFFREY ALBERTS  
IN SUPPORT OF THE GOVERNMENT'S OMNIBUS RESPONSE MEMORANDUM OF  
LAW AND IN FURTHER OPPOSITION TO ACCOUNT SERVICES  
CORPORATION'S MOTION FOR RETURN OF PROPERTY**

PREET BHARARA  
United States Attorney  
Southern District of New York  
Attorney for the United States of America

JEFFREY ALBERTS  
Assistant United States Attorney  
- Of Counsel -

I, Jeffrey Alberts, hereby declare under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the Southern District of New York, counsel to the United States of America (the “Government”) in the above-captioned proceeding. I am admitted to practice law in the State of New York. The Clerk of this Court granted my *pro hac vice* application to appear before this Court in this action.

2. I submit this declaration addressing the supplemental filings by Account Services Corporation (“ASC”), Poker Players Alliance, and Norman Smith and in further opposition to the motion of Account Services Corporation for return of property.

3. I previously submitted the Declaration of Assitatnt United States Attorney Jeff Alberts in Opposition to Account Services Corporation’s Motion for Return of Property (“First Alberts Declaration”). This declaration supplements the First Alberts Declaration, which is incorporated into this declaration by reference.

4. On August 14, 2009, several events and filings occurred. First, counsel for the Government and counsel for ASC participated in a conference call with the Court’s deputy. On that call ASC’s counsel stated that it had served several subpoenas for people to appear to testify before the Court on August 21, 2009. ASC’s counsel stated that it would contact those people and inform them that they did not need to appear before this Court to provide testimony. ASC’s counsel did not state that it would withdraw its subpoenas seeking the production of documents. ASC’s counsel also did not agree to contact those individuals and entities on whom such subpoenas were served to inform them that they no longer should produce documents. The Government said that later that day it would submit a letter to the Court concerning those

subpoenas.

5. Second, later on August 14, 2009, the Government submitted a letter to the Court requesting that the Court prohibit ASC from obtaining discovery through the issuance of subpoenas to third parties until further order of the Court, a true and complete copy of which is attached hereto as Exhibit 1.

6. Third, on August 14, 2009, ASC filed its Reply to the Government's Memorandum of Law in Opposition to Account Services Corporation's Motion for Return of Property. ASC also filed under seal a supplemental legal memorandum and accompanying exhibits. A true and complete copy of [REDACTED] is attached hereto as Exhibit 2.

7. Fourth, on August 14, 2009, a district court in the Southern District of New York entered an Order Pursuant to 21 U.S.C. § 853, authorizing the United States Marshals Service to maintain and preserve the seized funds that are subject of ASC's Rule 41(g) motion, as well as certain other funds, until the conclusion of the criminal case against Douglas Rennick, a true and complete copy of which is attached hereto as Exhibit 3.

8. On August 17, 2009, ASC filed its Motion and Incorporated Memorandum to Strike the Government's Letter to the Court.

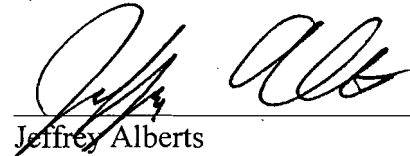
9. On August 18, 2009, ASC filed an Amended Motion and Incorporated Memorandum to Strike the Government's Letter to the Court.

10. On August 19, 2009, Norman Smith filed a submission entitled "Norman Smith, Pro Se, End-User Poker Player Request for Leave to Participate and File a 'Friend of the Court'

Brief.” The Court ordered this submission to be filed *nunc pro tunc* to August 18, 2009, the date that the Court received the submission.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of August, 2009, in New York, New York.

  
\_\_\_\_\_  
Jeffrey Alberts  
Assistant United States Attorney